

## CHAPTER 95.

AN ACT TO AUTHORIZE COUNTY SUPERINTENDENTS OF SCHOOLS TO HOLD INSTITUTES AND TEACHERS' EXAMINATIONS IN CERTAIN SCHOOL HOUSES, AND TO DEFINE THE DUTIES OF CERTAIN SCHOOL OFFICERS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. County superintendents of schools shall, for the purpose of conducting institutes and teachers' examinations, be granted the free use of such school houses as they may require for the time actually employed in conducting such institutes and examinations, and it is hereby made the duty of the several school district officers in this state to furnish county superintendents the use of the school houses in their several districts for the purposes aforesaid, provided it does not interfere with the session of schools.

SEC. 2. Any county superintendent intending to avail himself of the benefits of the foregoing section, shall give at least ten days notice of such intention, to the clerk of the proper school district.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1878.

## CHAPTER 96.

AN ACT TO PROVIDE FOR THE COLLECTION OF DEBTS AGAINST SCHOOL DISTRICTS, FROM WHICH THE TRUSTEES HAVE REMOVED AND NONE ELECTED OR APPOINTED IN THEIR STEAD.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Any school district in this State having contracted any indebtedness, and failed to provide for the payment of the same, and from which the trustees have removed or ceased to act, and none elected or appointed in their stead, may be proceeded against in the name and number of such district, in the district courts of this State, as provided for in this act.

SEC. 2. All actions under the provisions of this act, shall

School houses may be used for institutes and teachers examinations.

Notice to clerks of intention.

School districts having no officers may be proceeded against.

be commenced against the school district by its name and number, and the service of the summons and all process and papers in any cause against such district, shall be made upon the auditor of the county wherein such school district is situated.

Service of process to be made on county auditor.

SEC. 3. Every person seeking service upon any such school district, shall make and file with the clerk of the court in which any such action is about to be commenced, an affidavit showing the nature and amount of his claim against such district, and when the same fell due, and also that there are no officers of the district upon which service of summons can be obtained; whereupon the judge of the district court wherein said action is about to be commenced, or the court commissioner of the proper county, may order the summons and complaint in such cause served upon the auditor of the county wherein such district is situated.

Affidavit to be filed with clerk of court.

SEC. 4. In case of the service of the summons upon the auditor in any cause commenced under the provisions of this act, the auditor is empowered, in the name of such district, proceeded against, to defend such action, and any tax payer of such district may appear and defend such action as fully as the trustees of school districts are able to do; *Provided*, That it shall not be the duty of any [county] auditor to defend such action, unless the voters of such school district shall first satisfactorily indemnify him against all legal costs and expenses incurred by him in making such defense.

Auditor or any tax payer empowered to defend.

SEC. 5. Whenever a judgment is recorded against any school district under the provisions of this act, a certified copy of the docket of the judgment may be presented and filed with the auditor of the county in which such judgment was obtained, whereupon the said auditor shall at the time the ordinary annual taxes are levied, next following the filing of said certified copy of the docket of such judgment, levy upon the taxable property of such district, a tax sufficient to pay such judgment and interest and costs, and place the same upon the grand duplicate tax lists of the proper districts, and said tax shall be collected in the same manner and by the same officers as county and State taxes, and be subject to the same penalties for the non-payment thereof.

Judgment, manner of collecting.

SEC. 6. It shall be the duty of the county treasurer of the proper county, upon the presentation to him of a certified copy of the docket of the judgment to pay to the person entitled thereto, any money in his hands collected for the purpose of paying the said judgment, or which may have been collected prior to the time when said judgment was obtained, for the purpose of paying the indebtedness of the district for which such judgment was obtained.

Satisfaction of judgment by county treasurer.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.